

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Marvin L. Williams

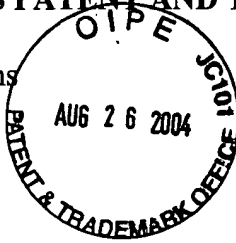
Serial No.: 09/234,351

Filed: January 20, 1999

Title: SYSTEM AND METHOD FOR ESTABLISHING RELATIONSHIPS
BETWEEN HYPERTEXT REFERENCES AND ELECTRONIC MAIL
PROGRAM INCORPORATING THE SAME

Grp./A.U.: 2176

Examiner: Nguyen, M.

Mail Stop 16
Director of the US Patent and
Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313, on
8/23/04 (Date)

DEBBIE SAMS

(Printed or typed name of person signing the certificate)

(Signature of the person signing the certificate)

Sir:

PETITION AND REQUEST FOR REFUND

The Applicants received an Advisory Action dated July 14, 2004 stating that Applicant's June 1, 2004 reply to a January 2, 2004 final rejection failed to place the Application in condition for allowance. This Advisory Action was received more than six months after the January 2, 2004 mailing date of the final rejection and, inasmuch as the Applicant's reply failed to place the Application in condition for allowance, the application became abandoned as a matter of law (although as of this date a Notice of Abandonment has not yet been received by the Applicant from the United States Patent and Trademark Office (USPTO)). Contemporaneously herewith, the

Applicant is filing a Petition for Revival of an Application Abandoned Unintentionally Under 37 CFR 1.137(b) and paying a petition fee of \$1,300.00. The Applicant is respectfully requesting a refund of the \$1,300.00 petition fee for reasons hereinafter set forth.

The Final Rejection of the above referenced application was mailed to the Applicant on January 2, 2004. In accordance with its standard procedure, counsel to Applicant filed a Request for Reconsideration Under 37 C.F.R. Section 1.116 within two months of the mailing date of the Final Rejection, which request was filed by facsimile on March 1, 2004, which is within the two month period of the January 2, 2004 mailing date of the Final Rejection. A copy of the firm's facsimile confirmation receipt is attached hereto. It is the policy of Applicant's counsel to file responses to final rejections within two months of the date of mailing of any such rejection. This is done so that the Examiner can issue an Advisory Action within thirty days of receipt of the response and a Request for Continued Examination or a Notice of Appeal can be filed if the application is not placed in condition for allowance. This policy has worked well to avoid unintentional abandonments.

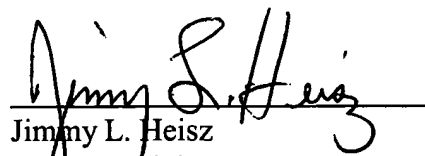
Inasmuch as an Advisory Action or a Notice of Allowance was not received from the Examiner by June 1, 2004, Debbie Sams, an employee of this firm, checked the filing status of the Request for Reconsideration using the Patent Application Information Retrieval (PAIR) system and found it had not been recorded. Ms. Sams immediately called the Examiner, who confirmed the Request for Reconsideration had not been recorded and suggested that another facsimile copy be sent to the USPTO, which was done on June 1, 2004. Copies of the facsimile confirmation receipts are attached hereto. On July 6, 2004 the Request for Reconsideration was forwarded to the Examiner for review. Because the USPTO had lost or misplaced the initial filing and because no extension

fees were charged to the Applicant, it was assumed that the Request for Reconsideration would be given priority and that an Advisory Action would be issued forthwith if a determination was made that the Applicant's reply had not placed the application in condition for allowance. Instead, the Applicant received an Advisory Action subsequent to the expiration of the six month period following the date of mailing of the Final Rejection, which Advisory Action informed the Applicant that the application had not been placed in condition for allowance. It was now too late to file a Request for Continued Examination or a Notice of Appeal in order to prevent the application from becoming abandoned.

Because Applicant's counsel has procedures in place to prevent an application from becoming abandoned if a reply to a Final Rejection does not place an application in condition for allowance, which procedure was circumvented because the USPTO lost or misplaced the Applicant's timely filed Request for Reconsideration in response to the Final Rejection, request is hereby made, in accordance with 37 C.F.R. § 1.26, that the Petition Fee of \$1,330.00 paid to revive the above-referenced application be refunded to Hitt Gaines, PC at the address set forth below.

Respectfully submitted,

HITT GAINES, P.C.


Jimmy L. Heisz
Reg. No. 38,914

Date: Aug. 23, 2004
P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800



MESSAGE CONFIRMATION

03/01/2004 14:40
ID=HITT GAINES, PC

| DATE | S,R-TIME | DISTANT STATION ID | MODE | PAGES | RESULT |
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03/01/2004 14:38 HITT GAINES, PC → 17038729306

NO. 927 0001

HITT GAINES, P.C.

Intellectual Property Law & Related Matters

FACSIMILE TRANSMISSION

TO: Nguyen, M.
Group Art Unit 2176

FAX NO. (703) 872-9306

FROM: Jimmy L. Heisz
Hitt Gaines, P.C.

RE: Serial No. 09/234,351
Attorney Docket No.: M. WILLIAMS 2
REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116

DATE: March 1, 2004

PAGES: 6 (including cover page)

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Cover
Page

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06/01/2004 09:42 HITT GAINES, PC -> USPTO NO. 528 0001

HITT GAINES, P.C.

Intellectual Property Law & Related Matters

FACSIMILE TRANSMISSION

TO: NGUYEN, M.
Group Art Unit 2176

FAX NO. 703-872-9306

FROM: Jimmy L. Heisz

RE: Serial No.: 09/234,351
Attorney Docket No.: WILLIAMS 2
REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116

DATE: June 1, 2004

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MESSAGE:

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